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STATE FOR PM/WRA - K. BAKER AND S. MORIMOTO

E.O. 12958: DECL: 01/13/2019

TAGS: [PREL](#) [PARM](#) [MOPS](#) [MARR](#) [CA](#)

SUBJECT: CONVENTION ON CLUSTER MUNITIONS COULD LIMIT CANUS
INTEROPERABILITY

REF: OTTAWA 1494

Classified By: PolMinCouns Scott Bellard, reasons 1.4 (b) and (d)

11. (U) This is an action request -- see para 6.

12. (C) Summary: Canada's decision to sign the (Oslo) Convention on Cluster Munitions (CCM) could limit the interoperability of Canadian Forces (CF) exchange pilots and artillery officers embedded in the U.S. armed forces. Embassy recommends State PM send subject matter experts to Ottawa to discuss the matter with military and civilian officials before they draft relevant enabling legislation. End summary.

CCM Caveats

13. (C) Department of Foreign Affairs and International Trade (DFAIT) Director for Small Arms and Mine Action Earl Turcotte and Department of National Defence (DND) policy officer Lieutenant Colonel Norm Polenz told pol/miloff on January 12 that Canada had recently completed a review of "countless" bilateral and NATO scenarios in which the CCM could impede Canada-U.S. and Canada-NATO cooperation and interoperability. Polenz emphasized that he did not expect CCM-related caveats to complicate ongoing combined operations in Afghanistan. He added, however, that in the medium- to long-term Canada would nonetheless be "obliged" to impose caveats affecting CF embedded in U.S. units.

14. (C) A small Canadian interagency team, interpreting the CCM with "maximum flexibility," came up with two potential sticking points where CCM-related caveats could have specific "negative ramifications" for Canadian pilots and artillery officers working along side their American counterparts, Polenz said. Under the CCM, according to Turcotte the use or transport of cluster munitions by these two classes of personnel "could place Canada in violation of its CCM treaty obligations."

Legislative Timing

15. (C) Canadian officials have begun writing legislative "drafting instructions," but not yet the actual enabling legislation to turn the CCM into domestic law, according to Turcotte. (Note: The House of Commons likely will begin its review of the CCM when it comes back into session on January 26; under a new practice instituted by Prime Minister Stephen Harper, the government will ensure a 20 day review period for all new treaties, although Parliament has no formal role in

the ratification process. End note) After the initial draft legislation is complete, the time-line for parliamentary passage could be as short as three months. According to Turcotte, Canadian officials in the meantime are willing to discuss CCM-related issues bilaterally before they begin drafting in earnest, and before taking-up CCM at NATO next summer.

16. (C) Action request: pursuant to DFAIT/PM exchanges about a possible subject matter experts meeting in Ottawa on this subject, Embassy recommends that PM send relevant USG officials here at the earliest mutually convenient opportunity in order constructively to influence this drafting process by Canadian civilian and military officials on CCM implementation. Please advise ASAP.

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